

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

MICHAEL W. HUNTER,

Plaintiff,

v.

ST. EMPLOYEE: CAMPBELL,

Defendants.

CV-19-22-H-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE’S FINDINGS AND
RECOMMENDATIONS**

Plaintiff Michael Hunter filed a pleading that the Court construed as a proposed Complaint and an Affidavit of Inability to Pay Filing Fees and Other Costs. (Doc 3). The Court also has construed this document as a motion to proceed in forma pauperis. (Doc. 5). The Court granted the motion to proceed in forma pauperis. (Doc. 5 at 2).

The Court issued an Order finding that Hunter’s Complaint failed to state a claim upon which relief could be granted and was subject to dismissal. (Doc. 4).

Hunter possessed the opportunity to file an amended complaint, but failed to do so.

Magistrate Judge Johnston entered Findings and Recommendations on May 29, 2019. (Doc. 5). Judge Johnston determined that Hunter's Complaint failed to state a claim upon which relief may be granted. *Id.* at 2. No party filed objections to Judge Johnston's Findings and Recommendations. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 5) are **ADOPTED IN FULL**.

IT IS ORDERED that Hunter's action be **DISMISSED** for failure to state a federal claim.

The Clerk of the Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable

person could suppose an appeal would have merit. The record makes plain the Complaints lack arguable substance in law or fact

The Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

DATED this 10th day of July, 2019.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris
United States District Court Judge

